

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ANITA VOGEL, as Parent and Natural Guardian of
[REDACTED], an Infant

Plaintiffs,

VERIFIED COMPLAINT

v.

Case No.: 1:16-cv-00934

MADISON H. JANUCHOWSKI

Defendant.

Plaintiffs, above-named, by their attorneys, CELLINO & BARNES, P.C.,
for their complaint against defendants, above-named, allege upon information and
belief:

PARTIES

1. At all times herein relevant plaintiffs ANITA VOGEL and [REDACTED]
[REDACTED] have been residents of the County of Erie and State of New York.

2. At all times herein relevant plaintiff ANITA VOGEL, has been the
parent and natural guardian of [REDACTED] L, an infant.

3. At all times herein relevant defendant MADISON H.
JANUCHOWSKI has been a resident of the Commonwealth of Pennsylvania.

JURISDICTION AND VENUE

4. This Court has jurisdiction over this lawsuit under 28 U.S.C.
§1332(a)(1) because the Plaintiffs and the Defendant are citizens, and a corporation, of

different states; and because the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

5. Venue is proper and appropriate in this Court because the Plaintiffs reside in this District; and Infant plaintiff, [REDACTED]'s medical care occurred, and continues to occur, in this District.

PRELIMINARY ALLEGATIONS

6. On or about July 15, 2013, at approximately 7:10 p.m., defendant MADISON H. JANUCHOWSKI, was the operator of a 2003 "E-Z Go" Golf Cart.

7. On or about July 15, 2013, at approximately 7:10 p.m., infant [REDACTED], was a passenger in the golf cart described in Paragraph 6 above.

8. On or about July 15, 2013, at approximately 7:10 p.m. defendant MADISON H. JANUCHOWSKI, operated the golf cart described in Paragraph 6 above on a road in the Sherkston Shores Carefree RV Resort a/k/a Sherkston Shores, in the City of Port Colborne, Province of Ontario, Canada.

9. On or about July 15, 2013, at approximately 7:10 p.m. defendant MADISON H. JANUCHOWSKI was operating the golf cart described in Paragraph 8 above negligently and recklessly on a road in the Sherkston Shores Carefree RV Resort a/k/a Sherkston Shores, such that infant plaintiff [REDACTED] was thrown from the golf cart onto the street and sustained a traumatic brain injury in the City of Port Colborne, Province of Ontario, Canada.

10. As a result of the above referenced incident, Infant plaintiff [REDACTED] as severely injured.

11. The incident described in Paragraph 11 above occurred as a direct result of defendant MADISON H. JANUCHOWSKI's negligence and/or recklessness.

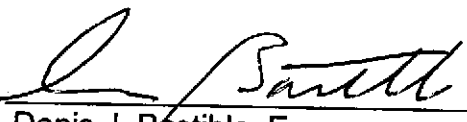
12. As a result of the negligence and/or recklessness of defendant MADISON H. JANUCHOWSKI, as alleged above, infant plaintiff [REDACTED], was injured and has suffered damages in the amount of \$2,600,000.

WHEREFORE, Plaintiffs [REDACTED] and ANITA M. VOGEL, demand judgment against defendant MADISON H. JANUCHOWSKI, in the amount of two-million six hundred thousand (\$2,600,000) dollars, and demand a trial by jury, and demand such other, further and different relief as the Court may deem just and proper, together with the costs and disbursements of this action.

DATED: Buffalo, New York
October 31, 2016

Yours, etc.,

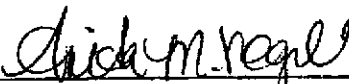
CELLINO & BARNES, P.C.

By: 
Denis J. Bastible, Esq.
Attorneys for Plaintiffs
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Buffalo, NY 14202-3725
(716) 888-8888

VERIFICATION

STATE OF NEW YORK)
COUNTY OF ERIE : SS.:
TOWN OF WEST SENECA)

Anita Vogel, as Parent and Natural Guardian of [REDACTED] an Infant, being duly sworn, deposes and says that she is the plaintiff in the within action; that she has read the foregoing and knows the contents thereof; that the same is true to the knowledge of the deponent, except as to the matters therein stated to be alleged on information and belief, and that as to those matters she believes them to be true.



Anita Vogel, as Parent and Natural Guardian
of [REDACTED] an Infant

STATE OF NEW YORK)
COUNTY OF ERIE : SS.:
TOWN OF WEST SENECA)

On the 6th day of November, 2016, in the year before me, the undersigned, personally appeared Anita Vogel, as Parent and Natural Guardian of [REDACTED] an Infant, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that they executed the same in her capacity and that by her signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.



Notary Public/Commissioner of Deeds

WILLIAM T. VOGEL, NOTARY PUBLIC
COUNTY OF ERIE STATE OF NEW YORK
MY COMMISSION EXPIRES ON 07/31/2017